

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ROBERT RAMOS,  
an individual,**

**PLAINTIFF,**

**v.**

**L&S TRI-STAR INVESTMENTS  
LLC,  
a limited liability company,**

**DEFENDANT.**

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**Case No. 5:22-cv-734-RBF**

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**PLAINTIFF’S DISCLOSURE OF EXPERT TESTIMONY**

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Comes now the Plaintiff, Robert Ramos, by and through counsel or record and submits the following disclosures of Plaintiff’s expert testimony. The Plaintiff will state and show the following to wit:

1. A copy of an expert report regarding the property that is the subject of this litigation is attached and marked as Exhibit “1” to this disclosure.
2. That Blake Watts of Tcherneshoff Consulting, Inc. has prepared the attached report.
3. A copy of Plaintiff’s expert’s Curriculum Vitae is attached and marked as Exhibit “2” to this disclosure.
4. Plaintiff represents that his expert has not testified in any other cases during the previous four (4) years.
5. That a copy of the invoices from Tcherneshoff Consulting, Inc., are attached marked as Exhibit “3” to this disclosure.

6. That an affidavit of Blake Watts is attached marked Exhibit “4” to this disclosure.

This 31<sup>st</sup> day of JANUARY, 2023.

By: /s/ Duncan Strickland  
Duncan Strickland  
Counsel for Plaintiff  
State Bar No.: 24072374  
13423 Blanco Road  
San Antonio, TX 78216  
Telephone: (210) 504-7874  
E-mail: [Duncan@StricklandLawFirm.com](mailto:Duncan@StricklandLawFirm.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 31<sup>st</sup> day of January, 2023, the foregoing document is being served this day on all counsel of record identified on the Service List set forth on the following page via CM/ECF and/or transmission of electronic mail.

*/s/ Duncan Strickland*

**SERVICE LIST**

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## **EXHIBIT 1**



## **Introduction**

My name is Blake Watts and I have been hired by Strickland Law Firm, PLLC to perform an ADA inspection at West Avenue Plaza Strip Mall, 3333 W Ave, #16, San Antonio, TX 78213. I have specialized knowledge and expertise with regards to the regulations, accessibility guidelines, and design standards of the Americans with Disabilities Act and I have provided such expertise in this report.

Tcherneshoff Consulting, Inc. is a consulting firm that has a primary focus on the Americans with Disabilities Act. We have been in business since 1996 and I have worked with many clients in Title I (employment law), Title II (city and local governments), and Title III (public accommodation) of the ADA across the country.

## **Background**

In June of 2017, I began training personally under J. Kirk Tcherneshoff, Jr., and continue to work directly with, the founder of TCI, who is one of only 200 individuals that received certifications based on the two-phased training provided in 1992 and 1993 by the Disability Rights and Education Defense Fund (DREDF), sponsored by the Equal Employment Opportunity Commission (EEOC) and Department of Justice (DOJ) on the federal implementation of the Americans with Disabilities Act (ADA). I graduated the University of Alabama at Birmingham in 2013 with a bachelor's degree in Accounting.

To date, on behalf of both plaintiffs and defendants in ADA litigation, and also as a retained corporate consultant for companies and municipalities outside the context of litigation, I have inspected hundreds of properties across the country including small single store "Mom and Pop" locations, grocery stores, supermarkets, department stores, auto parts stores, gas stations/convenience stores, corporate business chains with multiple store and restaurant locations, large entertainment and sports venues, hospitals, and municipalities.

My qualifications and a partial listing of my Title III facility accessibility surveys, and Title II municipal program accessibility plan review and site inspections are described in detail in my curriculum vitae, attached as "Exhibit A". A listing of presentations I have provided over the past ten years are also described in Exhibit A. I have not published or co-authored any articles over the past ten years.

I have had no trial appearances in the last four years. I have provided sworn testimony by affidavit and deposition as shown in "Exhibit A".





### **Methodology**

While I am offering no legal opinion on the Americans with Disabilities Act (“ADA”), I have an understanding of the ADA based upon my educational background, professional experience, and working knowledge of the ADAAG technical specifications.

At these inspections, I used the following tools to ascertain the technical specifications of various components:

- a) A tape measure to determine the length, width, depth and height of various components;
- b) A digital camera used to capture photographic evidence of certain identified barriers;
- c) A 2 foot digital level (Stabili) calibrated on site.

### **Statement of Compensation**

I have been retained by the Plaintiff to act in the capacity of expert witness in this litigation. I am being compensated for the services I render in this case at the rate of \$260.00 per hour (\$225.00 per hour for travel time). To the extent other personnel in my office have performed work on this matter, they are being compensated at their customary rate.

My compensation is not based on the opinions formed or the outcome of this litigation.

Fees for deposition and/or court appearances will be billed at \$300 an hour (4 hour minimum).

### **Additional Information**

I continue to review documents and materials related to this case and reserve the right to supplement this expert report based on any additional work that I may be asked to do.

In this report I have reference photographs 1 – 149 that I took on January 26, 2023 at West Avenue Plaza Strip Mall, 3333 W Ave, #16, San Antonio, TX 78213.

ADA Survey  
01/26/2023

West Avenue Plaza Strip Mall  
3333 W Ave, #16  
San Antonio, TX 78213

Prepared by:  
Blake Watts  
Tcherneshoff Consulting, Inc.

#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
1	<b>General Note regarding Construction Date</b>	It is my understanding this facility was built in 1979. It is unclear whether alterations have occurred to the site since that time. In this report, I will reference and apply the 1991 ADAAG where items comply. Where items do not comply with the 1991 ADAAG, I will apply and reference the 2010 ADA.	1991 ADAAG				
2	<b>Definitions</b>	Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.	CFR 36.104				
3	<b>Tools Used during survey</b>	2 foot stabila digital level, 25 foot tape measure, Nikon digital camera					
4	<b>Acronyms in the report</b>	PROW - Public Right of Way ISA - International Symbol of Accessibility AFG - Above Finished Ground TCI - Tcherneshoff Consulting Inc.					

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01/26/2023

West Avenue Plaza Strip Mall  
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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate																								
5	Parking	There are 53 total parking spaces with 2 being accessible.	2010 ADA table 208.2 208.2.4 502.2 fig 502.2 502.3		Provide 1 additional accessible parking space along with its attendant access aisle and sign, all compliant with 502, on the shortest accessible route to the entrance. The minimum number of accessible parking spaces must comply with table 208.2. Accessible car parking spaces must be at least 96 inches wide. Access aisles must be at least 60 inches wide. A typical van parking space is at least 132 inches wide, except as noted. See table 208.2 below.	\$970-	\$1,120																								
					<div>Table 208.2 Parking Spaces</div> <table><thead><tr><th>Total Number of Parking Spaces Provided in Parking Facility</th><th>Minimum Number of Required Accessible Parking Spaces</th></tr></thead><tbody><tr><td>1 to 25</td><td>1</td></tr><tr><td>26 to 50</td><td>2</td></tr><tr><td>51 to 75</td><td>3</td></tr><tr><td>76 to 100</td><td>4</td></tr><tr><td>101 to 150</td><td>5</td></tr><tr><td>151 to 200</td><td>6</td></tr><tr><td>201 to 300</td><td>7</td></tr><tr><td>301 to 400</td><td>8</td></tr><tr><td>401 to 500</td><td>9</td></tr><tr><td>501 to 1000</td><td>2 percent of total</td></tr><tr><td>1001 and over</td><td>20, plus 1 for each 100, or fraction thereof, over 1000</td></tr></tbody></table>	Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces	1 to 25	1	26 to 50	2	51 to 75	3	76 to 100	4	101 to 150	5	151 to 200	6	201 to 300	7	301 to 400	8	401 to 500	9	501 to 1000	2 percent of total	1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000		
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces																														
1 to 25	1																														
26 to 50	2																														
51 to 75	3																														
76 to 100	4																														
101 to 150	5																														
151 to 200	6																														
201 to 300	7																														
301 to 400	8																														
401 to 500	9																														
501 to 1000	2 percent of total																														
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000																														
6	Parking	Element 1 - Van Accessible Space Element 2 - Access Aisle Element 3 - Access Aisle Element 4 - Car Accessible Space			This is informational.																										

ADA Survey  
01/26/2023

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Prepared by:  
Blake Watts  
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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
7	Parking	Element 1 and 2 are located in front of the "Barber Shop".		4	This is informational.		
8	Parking	Element 3 and 4 are located in front of "Rincon del Taco Los Compadres".		23	This is informational.		
9	Parking Element 1	The running slopes in the accessible parking space ranged from 2.8% to 3.5%. The cross slopes in the accessible parking space ranged from 5.5% to 6.3%.	2010 ADA 502.4 exception	07-011	Resurface the accessible parking space so that the pavement is level, with slope not to exceed 1:48 (1/4"/ft) (2.083%) in any direction.	\$485	\$560
10	Parking Element 1	There is no "van accessible" signage provided for the accessible space.	2010 ADA 502.6	012, 015	Provide a sign compliant with 502.6 designating this as a van parking space. The sign must include the International Symbol of Accessibility complying with 703.7.2.1. The sign must have the words "van accessible." The bottom of the sign must be at least 60 inches above the ground.	\$174	\$240
11	Parking Element 1	The height to the bottom of the sign was measured at 48 1/4 inches AFG.	2010 ADA 502.6	012-015	Follow the recommendation above.		
12	Parking Element 1	The width of the accessible parking space was measured at 115 inches.	ADAAG 4.6.3 Figure 9	5	This is compliant.		

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
13	<b>Parking Element 2</b>	The running slopes in the access aisle ranged from 3.1% to 4.6%. The cross slopes in the access aisle ranged from 4.9% to 6.0%.	2010 ADA 502.4 exception	016-019	Resurface the access aisle so that the pavement is level, with slope not to exceed 1:48 (1/4"/ft) (2.083%) in any direction.	\$485	\$560
14	<b>Parking Element 2</b>	The width of the access aisle was measured at 153 inches.	ADAAG 4.6.3 Figure 9	6	This is compliant.		
15	<b>Parking Element 2</b>	There are changes in level in the access aisle.	2010 ADA 502.4	020-022	Resurface the access aisle as noted in line item #13. Changes in level are not permitted.	Cost	Included in line item #13
16	<b>Parking Element 3</b>	The running slopes in the access aisle ranged from 0.4% to 3.6% The cross slopes in the access aisle ranged from 1.2% to 2.3%.	2010 ADA 502.4 exception	026-028	Resurface the access aisle so that the pavement is level, with slope not to exceed 1:48 (1/4"/ft) (2.083%) in any direction.	\$485	\$560
17	<b>Parking Element 3</b>	The access aisle does not extend the full length of the accessible parking space it serves.	2010 ADA 502.3.2	029-032	Restripe the access aisle to extend the full length of the accessible parking space it serves.	\$110-	\$270
18	<b>Parking Element 4</b>	The running slopes in the accessible space ranged from 0.2% to 2.4% The cross slopes in the accessible space ranged from 1.4% to 3.0%.	2010 ADA 502.4 exception	033-036	Resurface the accessible parking space so that the pavement is level, with slope not to exceed 1:48 (1/4"/ft) (2.083%) in any direction.	\$485	\$560

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
19	<b>Parking Element 4</b>	The bottom of the accessible parking sign was measured at 55 inches AFG.	2010 ADA 502.6	037-040	Raise the sign at the accessible parking space so that the bottom of the sign is at least 60 inches above the ground.	\$148	\$190
20	<b>Accessible Route within the Site</b>	There is no accessible route within the site to each building entrance. The cross slopes along the route exceed 3%, running slopes exceed 5% with no handrails provided, and the route is reduced to less than 36 inches when parked vehicles overhang the wheel stops.	2010 ADA 206.2.2	042-044, 050-051, 056-062, 067-073, 088-094	Provide a compliant accessible route within the site that connects the various building entrances on this site to each other.	\$28	35 per sq. ft.
21	<b>Entrances</b>	There is a 3 3/4 inch rise to enter the door at "Dotty's Pet Grooming Salon".	2010 ADA 404.3.3 404.2.5 fig 303.3	045-049	Reconfigure the threshold at the entrance door to be no greater than 1/4 inch or no greater than 1/2 inch with a 1:2 bevel.	obtain	local estimate

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01/26/2023

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
22	Entrances	There is a slope of 12.2% within the door maneuvering clearance for units 11 and 12.	2010 ADA 404.2.4.4 404.2.4.4 exception fig 404.2.4.1 (a)	050-055	Resurface the area outside this door to provide a level landing that is a minimum of 60 inches wide by 60 inches deep, and that extends at least 18 inches past the latch side of the door. Ensure that the new landing does not exceed a slope of 1:48 (1/4"/ft)(2.083%) in any direction. The threshold at the entrance doors must comply with 303.3.	\$32	42 per sq. ft.
23	Entrances	There is a slope of 18.1% within the door maneuvering clearance for the "Barber Shop".	2010 ADA 404.2.4.4 404.2.4.4 exception fig 404.2.4.1 (a)	063-066	Resurface the area outside this door to provide a level landing that is a minimum of 60 inches wide by 60 inches deep, and that extends at least 18 inches past the latch side of the door. Ensure that the new landing does not exceed a slope of 1:48 (1/4"/ft)(2.083%) in any direction. The threshold at the entrance doors must comply with 303.3.	\$32	42 per sq. ft.

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
24	Entrances	There is a slope of 7.1% within the door maneuvering clearance for the "Beauty Salon" (unit 17).	2010 ADA 404.2.4.4 404.2.4.4 exception fig 404.2.4.1 (a)	074-081	Resurface the area outside this door to provide a level landing that is a minimum of 60 inches wide by 60 inches deep, and that extends at least 18 inches past the latch side of the door. Ensure that the new landing does not exceed a slope of 1:48 (1/4"/ft)(2.083%) in any direction. The threshold at the entrance doors must comply with 303.3.	\$32	42 per sq. ft.
25	Entrances	There is a slope of 6.3% within the door maneuvering clearance for the "Cultured Collective" (unit 14 and 15).	2010 ADA 404.2.4.4 404.2.4.4 exception fig 404.2.4.1 (a)	074-081	Resurface the area outside this door to provide a level landing that is a minimum of 60 inches wide by 60 inches deep, and that extends at least 18 inches past the latch side of the door. Ensure that the new landing does not exceed a slope of 1:48 (1/4"/ft)(2.083%) in any direction. The threshold at the entrance doors must comply with 303.3.	\$32	42 per sq. ft.
26	Entrances	There is a change in level within the door maneuvering clearance at "Rincon del Taco Los Compadres" measured at 1/2 inch due to the adjacent ramp.	2010 ADA 404.2.4.4	113-118	Reconfigure the area outside the door so there are no changes in level within the door maneuvering clearance. <i>Note: Changes in level at thresholds complying with 404.2.5 shall be permitted.</i>	\$32	42 per sq. ft.



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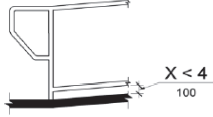
Prepared by:  
Blake Watts  
Tcherneshoff Consulting, Inc.

#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
27	<b>Accessible Route from PROW</b>	There is no accessible route within the site from the public sidewalk to the entrance of this facility.	2010 ADA 206.2.1	137-149	Provide a compliant accessible route within the site leading from the public sidewalk to the entrance of the facility served by the sidewalk.	\$28	35 per sq. ft.
28	<b>Ramp (located in front of unit 17)</b>	The running slope at the bottom of the ramp was measured at 9.7%. Handrails are not provided on both sides of the ramp. There is no edge protection provided for this ramp.	2010 ADA 303.4 405.2 405.8 505 fig 405.7 405.9.1 405.9.2 505.4 505.5 505.6 505.7.2 505.10.1	069-078	Provide a ramp, compliant with 405, with running slopes not exceeding 1:12 (8.33%). Provide edge protection compliant with 405.9. Provide handrails on both sides compliant with 505. <i>Note: The ramp must be reconfigured to not obstruct the door maneuvering clearance at unit 17.</i>	\$190	280 per lin. ft.

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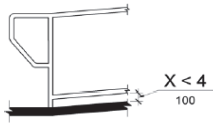
Prepared by:  
Blake Watts  
Tcherneshoff Consulting, Inc.

#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
29	<b>Ramp (located at Rincon del Taco Los Compadres)</b>	The ramp located on the route to parking elements 3 and 4 (accessible space and access aisle) has a running slope of 12.2% in the middle, a cross slopes of 7.1% in the middle, a cross slope of 6.8% at the top, handrails do not extend at least 12 inches onto the top and bottom landing, handrails are not provided on both sides of the ramp, and there is no level landing provided at least 60 inches deep at the bottom of the ramp. Additionally, the "edge protection" allows for the passage of a 4+ inch diameter sphere.	2010 ADA 303.4 405.2 405.8 505 fig 405.7 405.9.1 405.9.2 505.4 505.5 505.6 505.7.2 505.10.1	119-136	Provide a ramp, compliant with 405, with running slopes not exceeding 1:12 (8.33%) and cross slopes not exceeding 2.083% . Provide edge protection compliant with 405.9. Provide handrails on both sides compliant with 505.	\$190	280 per lin. ft.
							

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
30	<b>Ramp (located at Rincon del Taco Los Compadres)</b>	The ramp located on the route to the adjacent retailers has a running slope of 12.9% at the bottom, a cross slopes of 6.1% in the middle, a cross slope of 8.3% at the top, handrails do not extend at least 12 inches onto the top and bottom landing, handrails are not provided on both sides of the ramp, and there is no level landing provided at least 60 inches deep at the bottom of the ramp. Additionally, the "edge protection" allows for the passage of a 4+ inch diameter sphere.	2010 ADA 303.4 405.2 405.8 505 fig 405.7 405.9.1 405.9.2 505.4 505.5 505.6 505.7.2 505.10.1	094-112	Provide a ramp, compliant with 405, with running slopes not exceeding 1:12 (8.33%) and cross slopes not exceeding 2.083% . Provide edge protection compliant with 405.9. Provide handrails on both sides compliant with 505.	\$190	280 per lin. ft.
							
31	<b>Informational</b>	I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and understanding and if called as a witness I would testify competently there to.					

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#	Element	Existing Conditions	Standards	Photos	Recommendations	Low Estimate	High Estimate
		Signature: <u>Blake Watts</u>			Date: <u>01/30/2023</u>		
		<p>The generalized preliminary budget cost estimates included here are based, in part, upon similar barrier removal projects, information provided by manufacturers and distributors of different products, contractors working in the construction trades and upon data found in the various publications of RS Means/Reed Construction Data, including their "ADA Compliance Pricing Guide" and their "Building Construction Cost Data Annual Edition." It is important to note that these estimates are made for ADA barrier removal only and do not take into account such things as special finishes and day to day variations in the cost of goods and services. The estimated costs are intended as a guide and are not intended to be absolutely comprehensive. Other materials and methods of construction may be employed besides those used for these estimates.</p>					





Photo-2











Photo-5



Photo-6





Photo-7







Photo-9





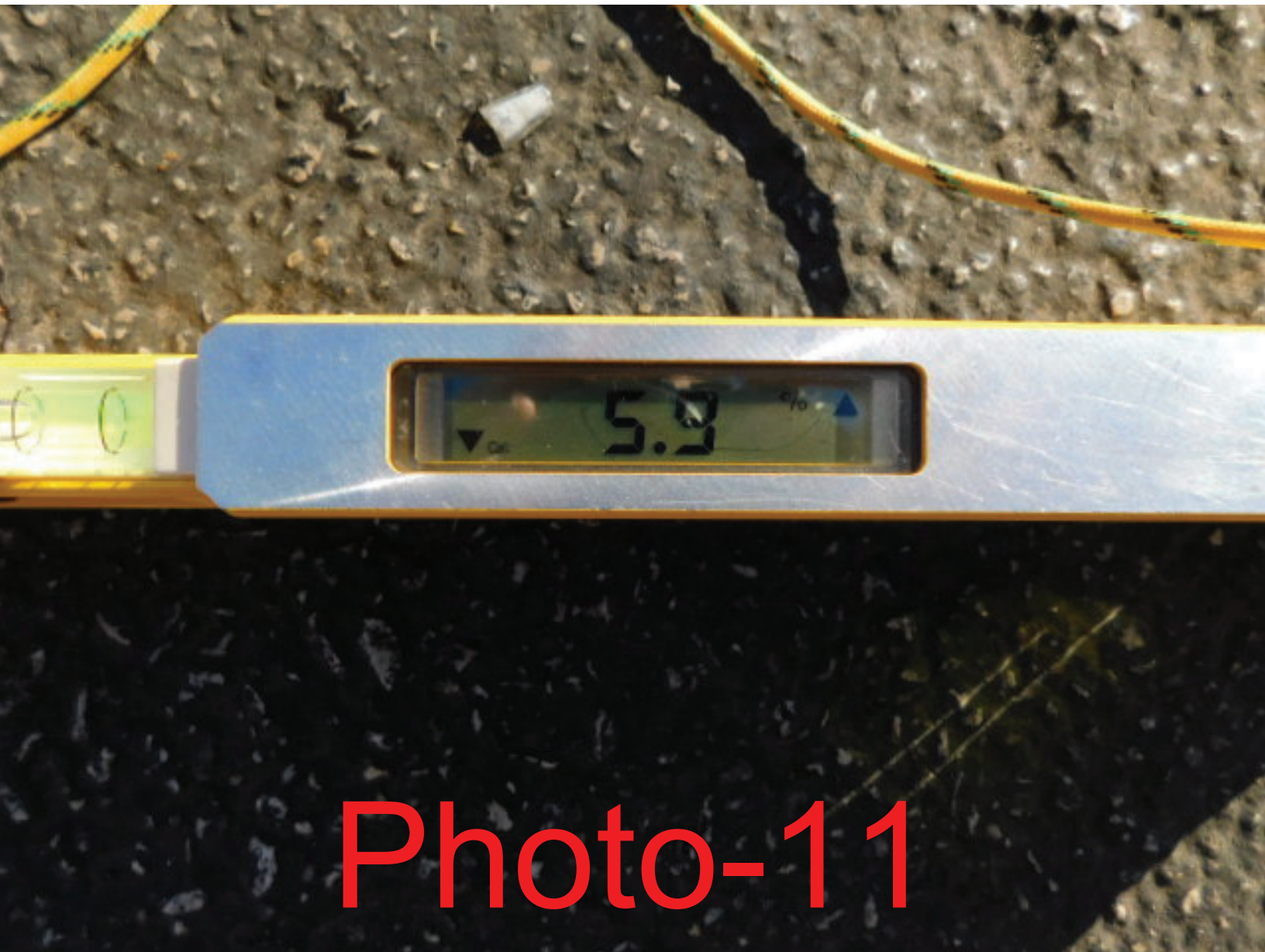


Photo-11







Photo-13



Photo-14





Photo-15



Photo-16





Photo-17



Photo-18





Photo-19



Photo-20



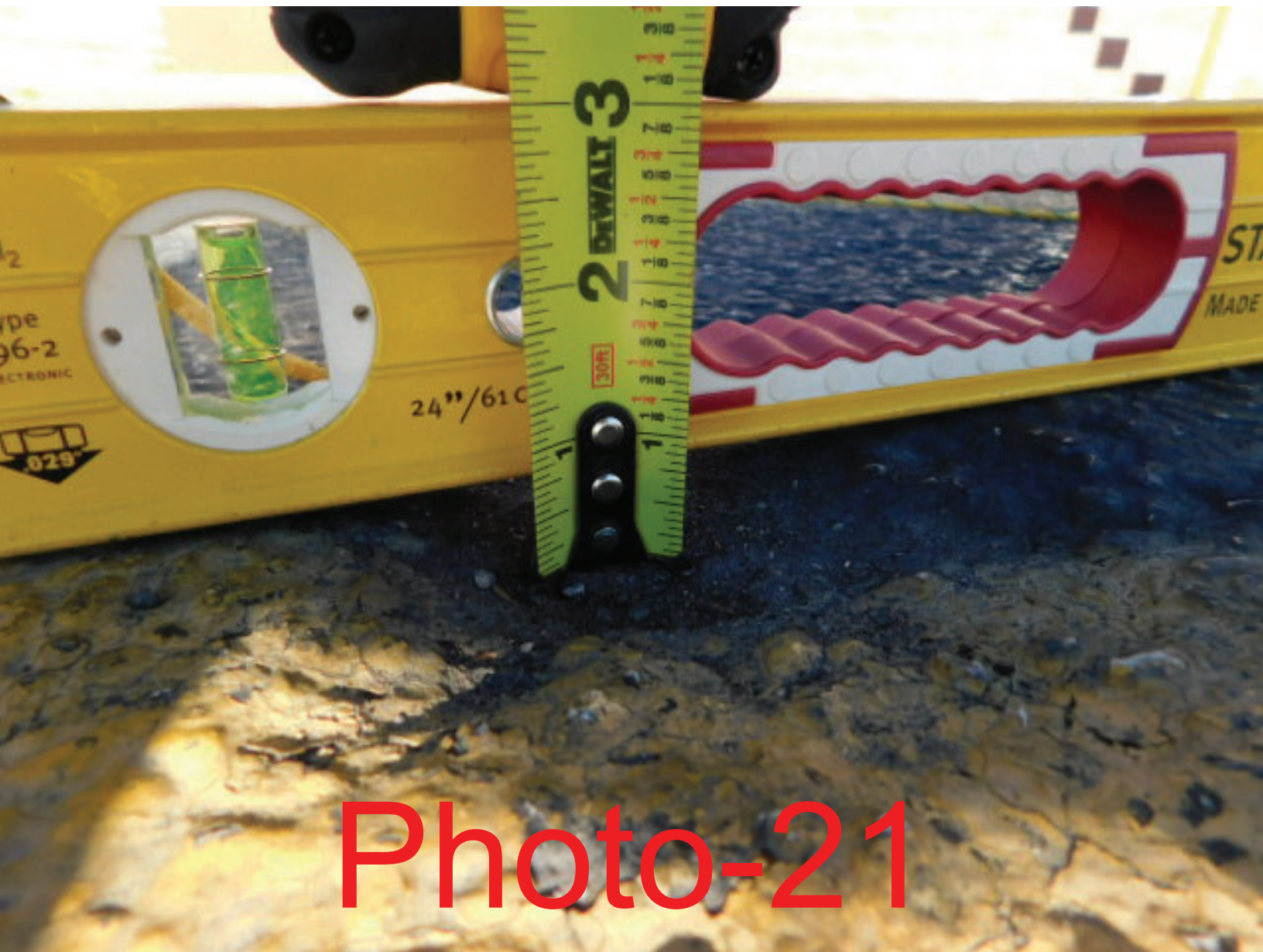








Photo-23





Photo-24



Photo-25





Photo-26







Photo-28





Photo-29







Photo-31







Photo-33







Photo-35







Photo-37





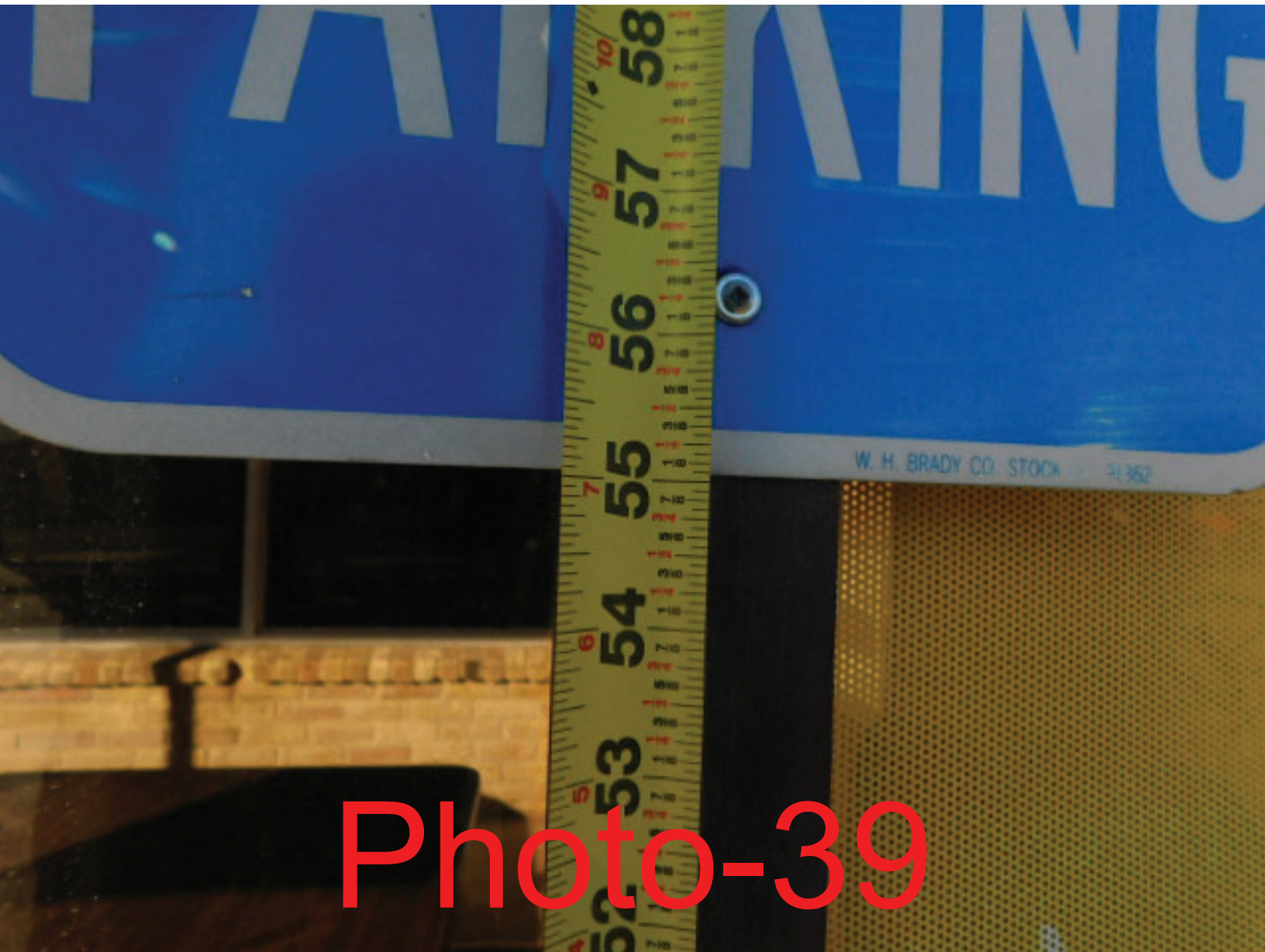




Photo-40





Photo-41





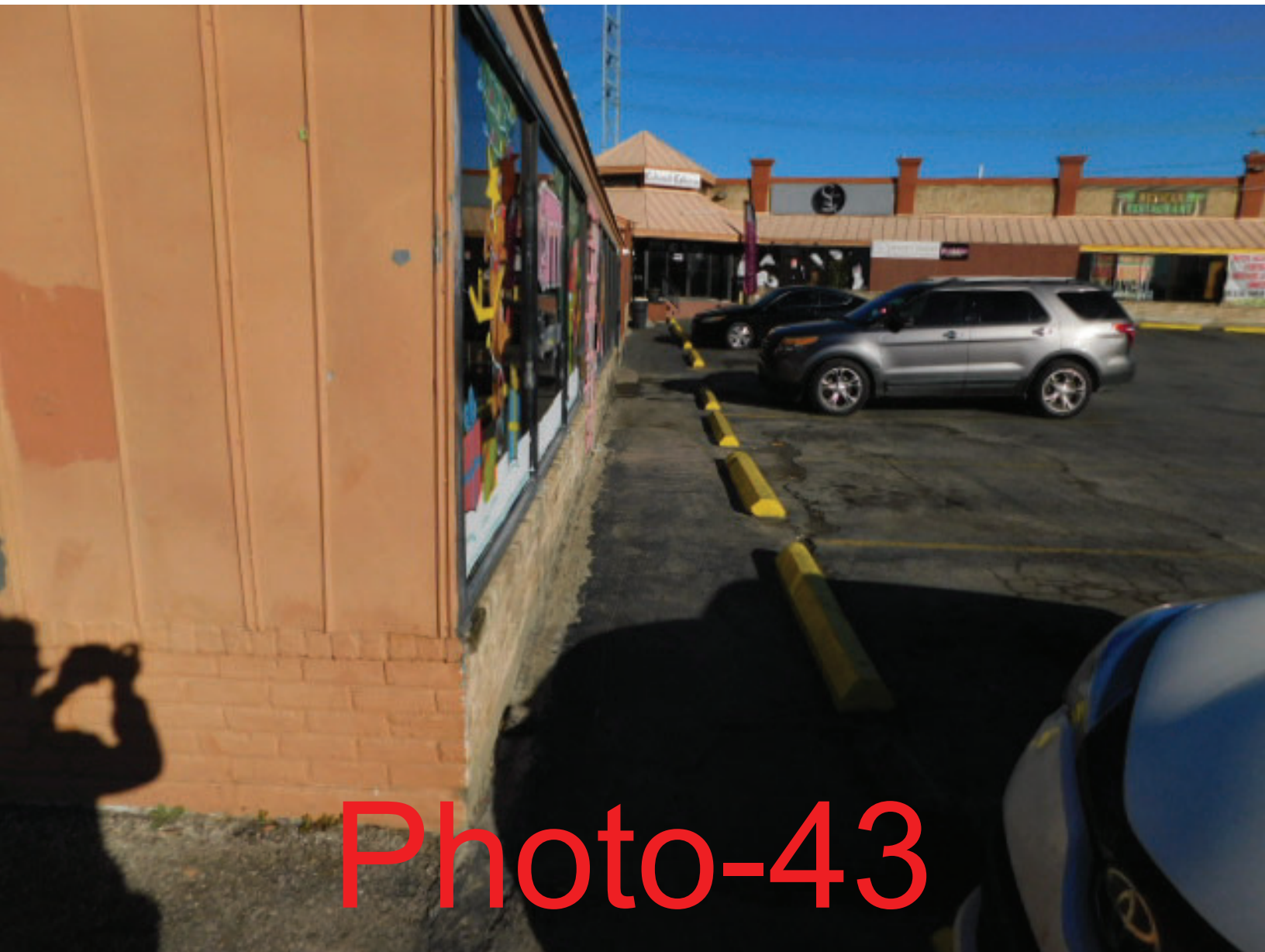


Photo-43



Photo-44





Photo-45



Photo-46





Photo-47

























Photo-54



Photo-55





Photo-56





Photo-57



Photo-58







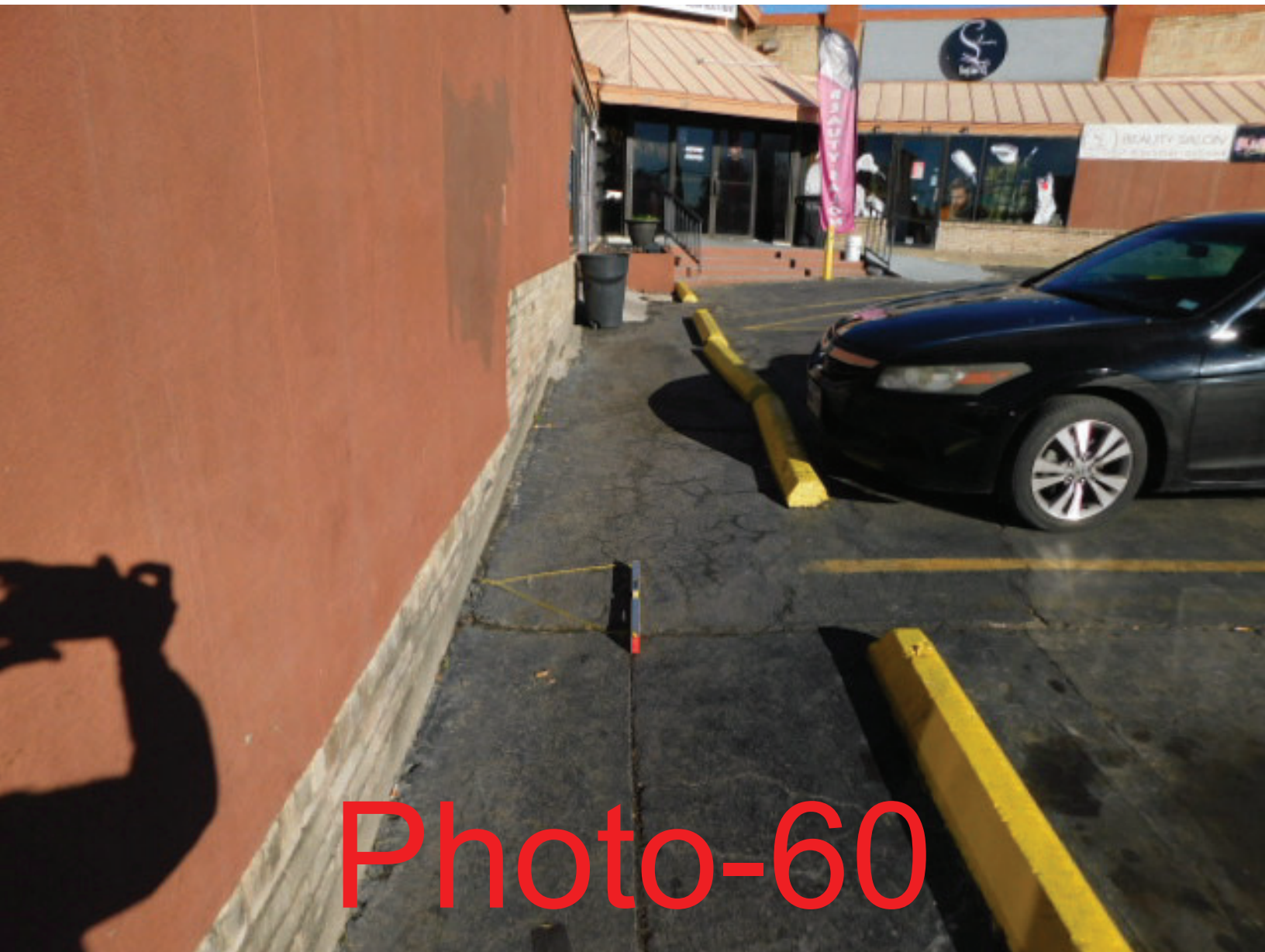




Photo-61







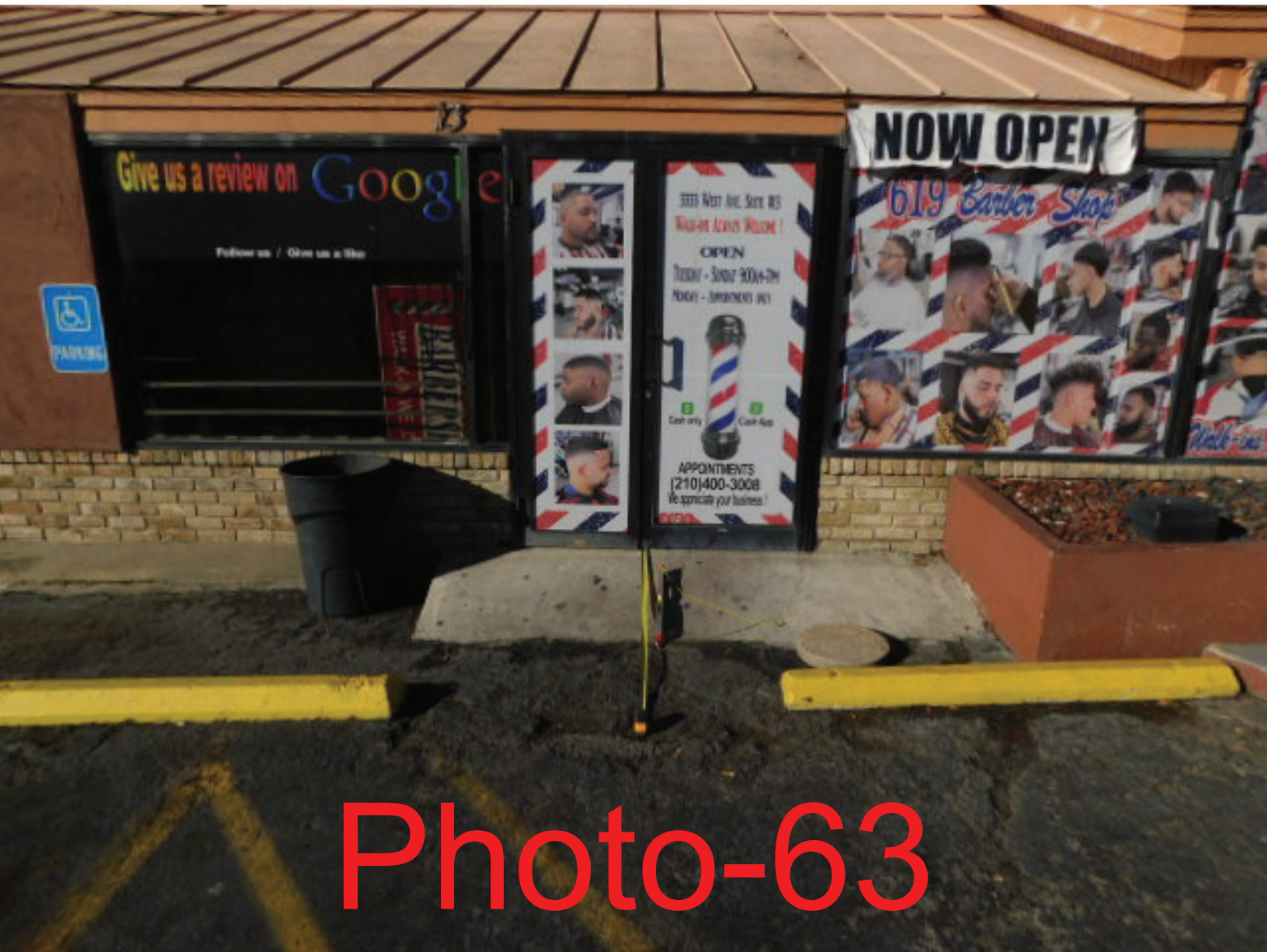
















Photo-68





Photo-69







Photo-71







Photo-73



Photo-74





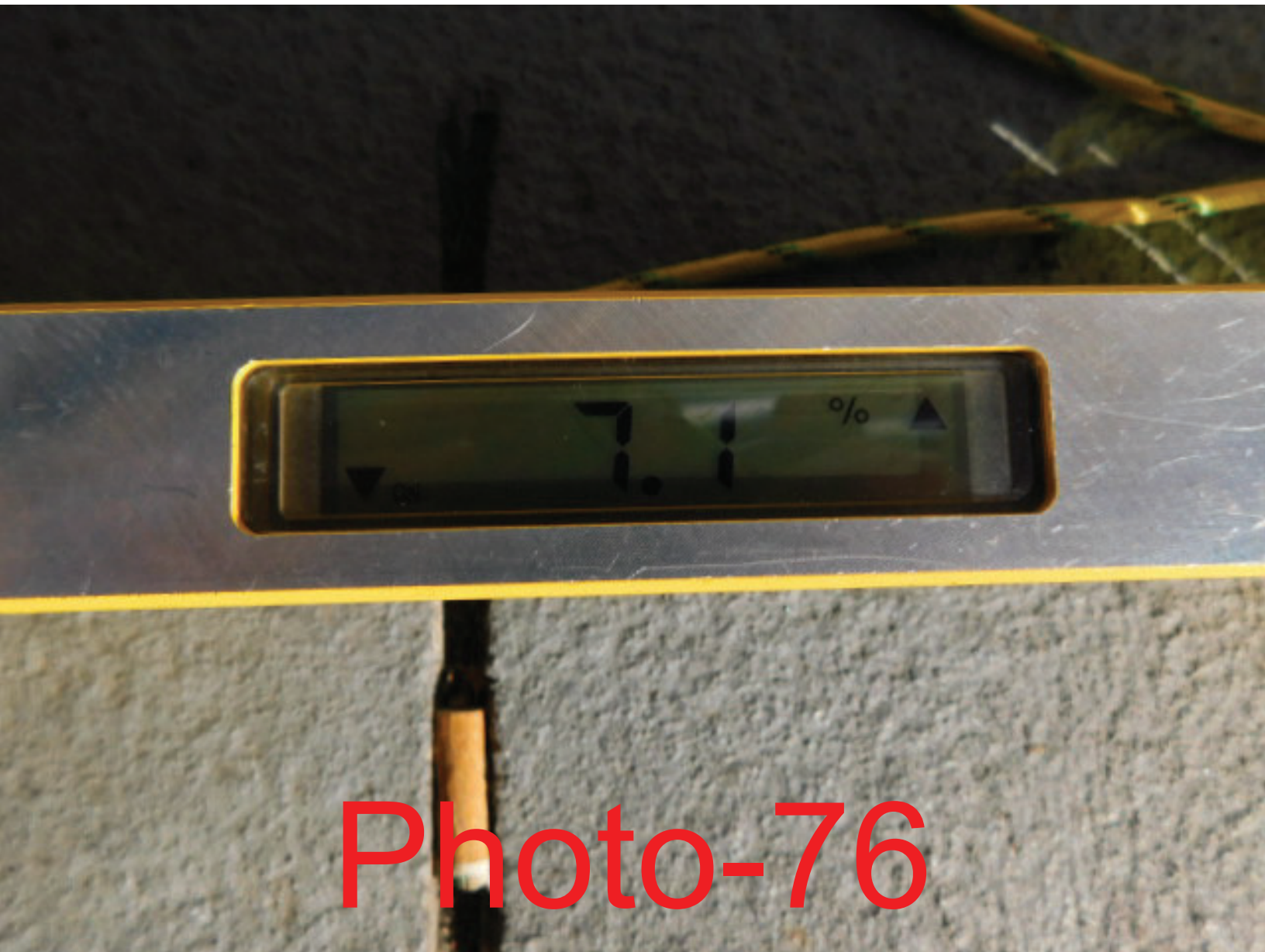


















Photo-81









Photo-84

























Photo-92





Photo-93









Photo-96























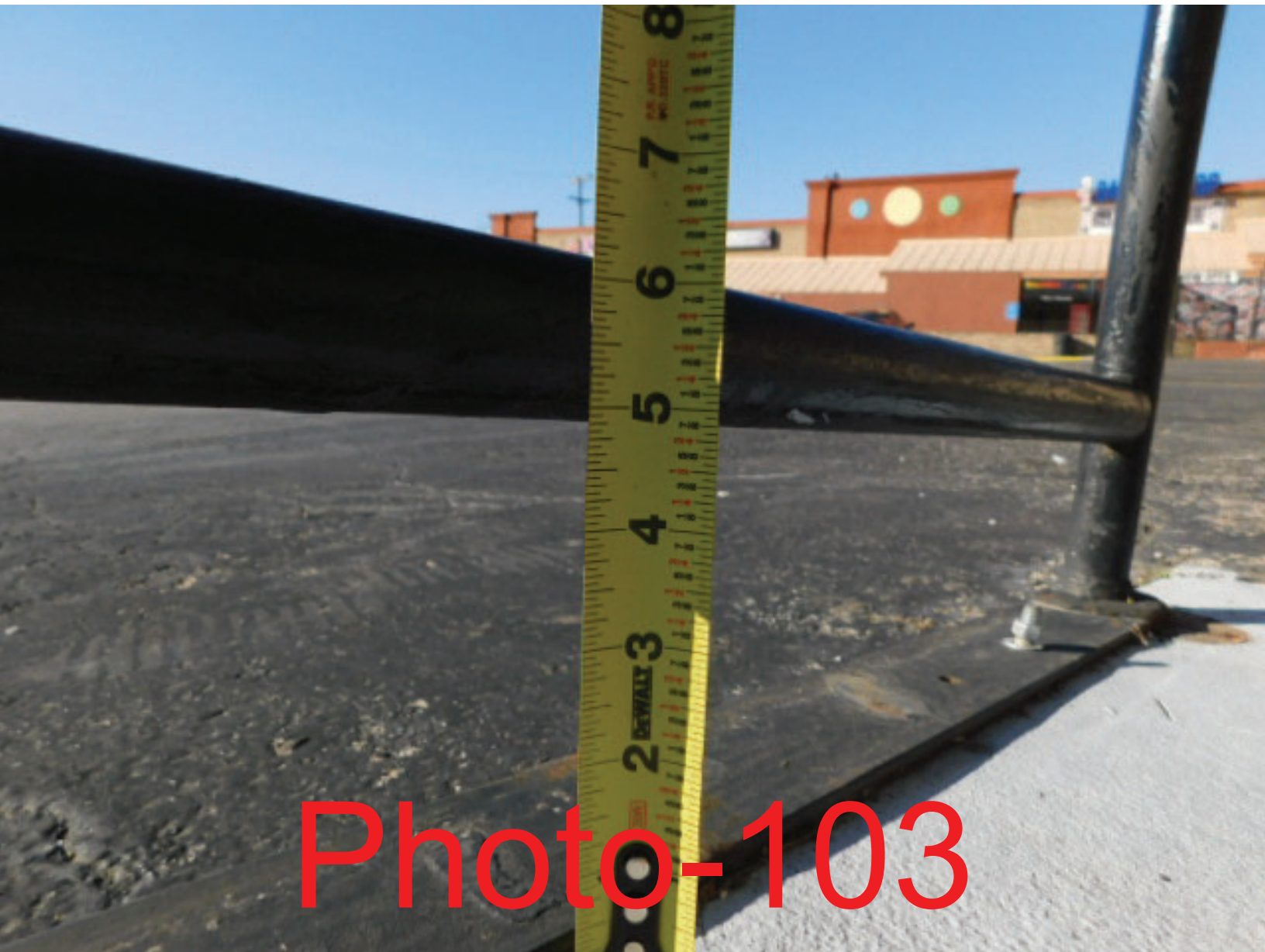










Photo-106











Photo-109



Photo-110





























Photo-119



Photo-120

























Photo-128







Photo-130













Photo-134













Photo-138



















Photo-144













Photo-148





## **Exhibit "A"**

*Curriculum Vitae*

### ***Blake Watts***

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*1801 Gault Ave N Ste 106*

*Fort Payne, Al. 35967*

*blaketconsult@gmail.com*

*256-364-2024*

#### **Accessibility Consultant**

- 06/2017- Present

#### **Education**

- University of Alabama at Birmingham – Bachelor of Science in Accounting 2012

#### **Professional Employment**

- Tcherneshoff Consulting Inc, Consultant – 6/2017 - present
- Alfa Insurance, Producer – 06/2013 – 06/2017
- Myers Comfort Specialist, General Manager – 05/2012 – 05/2013

#### **Organizations and Committees**

- Kiwanis Club, Fort Payne, AL – 10/2018- Present
- Fort Payne Chamber of Commerce, member – 02/2019 - Present
- Etowah County Chamber of Commerce, member – 08/2018- Present
- Terrapin Hills Country Club Board of Directors – 2016 Treasurer, 2017 Vice-President
- Alabama Licensed Producer (Life and Health) (Property and Casualty) 2013-2018

#### **Presentations/Training**

- Webinar for Fair Housing First- Strategies for Accessible Routes and Site Work Requirement 1 / Includes Modules 7 & 8, October 3, 2018 (Webinar 1 of 4)
- 2019 National ADA Symposium (Training)
- 2019 Employment Conference (Presenter) – Littler-Mendelson
- Sidewalk Training for the City of Sherwood, AR (Presenter)
- Sidewalk and Curb Ramp Training for the City of Jonesboro, AR (Presenter)

#### **Title III Facility Compliance Surveys (Partial Listing)**

- ABSCO (Acme, Albertson's, Haagen, Safeway) – 250+ locations (DE, ID, OR, WA, TX, CA, IL, AZ, NM, HI, MT, WY, MA, MD)
- Captain D's – 10+ locations
- KFC - Round Rock, TX
- KFC - Powder Springs, GA
- Churchill Downs



- Taco Bell – 3+ locations
- The World of Coca-Cola -Atlanta, GA
- Zaxby's – 19+ locations
- Southwest Theatres - Hattiesburg, MS
- Nieman Marcus - Atlanta, GA
- Jim and Nicks BBQ – Atlanta, GA
- Jim and Nicks BBQ – Birmingham, AL
- Jim and Nicks BBQ – Trussville, AL
- Baymont Inn and Suites – Savannah, GA
- Bubbleology – Mall of Georgia location
- Nautica Department Store – Gulfport, MS
- Aeropostle Department Store – Atlanta, GA
- El Supermercado – Atlanta, GA
- Advanced Auto Parts – Goodletsville, TN
- Phillips 66 – Nashville, TN
- Publix Supermarket – Atlanta, GA
- Pet Supermarket – Atlanta, GA
- Moe's Southwest Grill – Atlanta, GA
- Steward Healthcare Systems – 23 Hospitals (UT, TX, AR, AZ, FL)
- Zuma – Miami, FL
- Texas de Brazil – 8+ locations in Florida
- Zesto's – Atlanta, GA
- Starbucks – 6 locations in Atlanta Metro Area
- Publix Supermarket – Deland, FL
- Publix Supermarket – 2 locations in Atlanta Metro Area
- Piggly Wiggly – Saraland, AL
- Sweet Tomatoes – Atlanta, GA
- Blount County Courthouse, AL
- KFC – Port St. Lucie, FL
- The Brick – Charleston, SC
- The Sand Bar – Tybee Island, GA
- Atlanta Bread Company – Atlanta, GA
- McAllisters – Atlanta, GA
- Stage Door Casino – Las Vegas, NV
- Pizza Hut – 18 locations (TN, VA, SC, NC)
- KFC – 15 locations (TN, KY, VA, SC)

### **Expert Testimony**

- Smith v. Loeb Bros. Realty, L.P., 2:21-cv-02428-SHL-CGC (W.D. Tenn. Feb 4, 2022) (**affidavit**)
- Burgess v. CS3 BP Assocs., 4:22-cv-00063-SRC (E.D. Mo. July 8, 2022) (**affidavit**)
- Mary Ann Parker v. Pro Parts Home and Auto Supply, Inc., CASE NO. 2:21-cv-00440-AMM (**affidavit**)
- WILLIE MOODY, JR., et al v. CIRCLE K STORES INC., et al, 2:18-cv-0435-CLM (Nov 3, 2022) (**Deposition**)

### **Cases involving litigation (Partial Listing)**

- Shaw vs. Waffle House
- Tamara Jean Farrell-Shanley vs. Judith Merrill (Dairy Queen)
- Adkins V. Steward Health (several locations)
- White V. Moes
- Katherine Smith V. Jim N'Nicks (several locations)
- Winona V. Green

- Groves V. Southern Buyers Group, LLC. (strip center)
- Smith V. Fox
- Smith V. Sabakou, LLC.
- Fultz V. The Brick, LLC.
- Munn V. Jennifer Knox (The Sand Bar)
- Smith V. McMahan (Verizon)
- Weisfeld V. Pacific Bells
- Middleton V. Wellstar
- Barfield V. Brasfield. Wellstar
- Winona V. Green
- John Meggs V. Vegas Development LLC
- Chapman V. Tasty Hut
- Cohan V. FQSR LLC, d/b/a Kentucky Fried Chicken
- Brian Spencer V. JRN, Inc.

### **Corporate Consultant**

- Churchill Downs Inc.- We are currently retained by Churchill Downs Inc. to bring the facility into full compliance with the ADA over a 5 year period.
- Zaxby's, Inc. – Corporate ADA consultant performing site and plan review, conducting field inspections, and working with architects, interior designers, and contractors.
- Adache Group Architects - I am currently working with Adache Group Architects performing site and plan review, conducting field inspections, and working with architects, interior designers, contractors, and sales rep to ensure all properties are compliant
- The City of Jonesboro, Arkansas has retained me for services to be provided to bring the city government into full compliance with the ADA over the next 7 years.
- The City of Sherwood, Arkansas has retained our services over the next 5 years to bring all of the sidewalks into compliance throughout the City.
- Albertson's Corporation – I am currently retained to inspect grocery store chains across the country for ADA compliance. I provide a full report to corporate and I am involved in several phases during the construction of new and existing facilities as it pertains to the ADA and state accessibility codes.
- Sand Mountain Park (Title II) Albertville, AL – I am currently retained by Chambless King Architects to complete architectural plan review, site inspections, and provide reports for the entire park which involves a recreation center, ball fields, aquatics, multiple parks, tennis courts, and several other amenities.
- KBP Brands- We currently work with KBP Brands to inspect properties when they receive litigation on a property located nationwide.



## **EXHIBIT 2**

*Curriculum Vitae*

## ***Blake Watts***

---

*1801 Gault Ave N Ste 106*

*Fort Payne, Al. 35967*

*blaketconsult@gmail.com*

*256-364-2024*

### **Accessibility Consultant**

- 06/2017- Present

### **Education**

- University of Alabama at Birmingham – Bachelor of Science in Accounting 2012

### **Professional Employment**

- Tcherneshoff Consulting Inc, Consultant –  
6/2017 - present
- Alfa Insurance, Producer – 06/2013 – 06/2017
- Myers Comfort Specialist, General Manager – 05/2012 – 05/2013

### **Organizations and Committees**

- Kiwanis Club, Fort Payne, AL – 10/2018- Present
- Fort Payne Chamber of Commerce, member – 02/2019 - Present
- Etowah County Chamber of Commerce, member – 08/2018- Present
- Terrapin Hills Country Club Board of Directors – 2016 Treasurer, 2017 Vice-President
- Alabama Licensed Producer (Life and Health) (Property and Casualty) 2013-2018

### **Presentations/Training**

- Webinar for Fair Housing First- Strategies for Accessible Routes and Site Work Requirement 1 / Includes Modules 7 & 8, October 3, 2018 (Webinar 1 of 4)
- 2019 National ADA Symposium (Training)
- 2019 Employment Conference (Presenter) – Littler-Mendelson
- Sidewalk Training for the City of Sherwood, AR (Presenter)
- Sidewalk and Curb Ramp Training for the City of Jonesboro, AR (Presenter)

### **Title III Facility Compliance Surveys (Partial Listing)**

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- Mary Ann Parker v. Pro Parts Home and Auto Supply, Inc., CASE NO. 2:21-cv-00440-AMM (affidavit)

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- Smith V. Fox
- Smith V. Sabakou, LLC.
- Fultz V. The Brick, LLC.

- Munn V. Jennifer Knox (The Sand Bar)
- Smith V. McMahan (Verizon)
- Weisfeld V. Pacific Bells
- Middleton V. Wellstar
- Barfield V. Brasfield. Wellstar
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- KBP Brands- We currently work with KBP Brands to inspect properties when they receive litigation on a property located nationwide.



### **EXHIBIT 3**

**Tcherneshoff Consulting, Inc.**

1801 Gault Avenue North

Suite 106

Fort Payne, AL 35967

256-364-2024

laurietconsult@gmail.com



# INVOICE

**BILL TO**

Strickland Law Firm, PLLC

**INVOICE #** 3448

**DATE** 01/19/2023

**DUE DATE** 02/18/2023

**TERMS** Net 30

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DESCRIPTION	QTY	RATE	AMOUNT
Ramos V. Tri-Star Investment (Strip Mall) Retainer Fee	1	1,500.00	1,500.00
BALANCE DUE			<b>\$1,500.00</b>



**Tcherneshoff Consulting, Inc.**

1801 Gault Avenue North

Suite 106

Fort Payne, AL 35967

256-364-2024

laurietconsult@gmail.com

**INVOICE****BILL TO**

Strickland Law Firm, PLLC

**INVOICE #** 3463**DATE** 01/31/2023**DUE DATE** 03/02/2023**TERMS** Net 30

DESCRIPTION	QTY	RATE	AMOUNT
Survey and report preparation for West Avenue Strip Plaza San Antonio, TX	9.75	260.00	2,535.00
Travel-Time	16	225.00	3,600.00
Mileage Reimbursement to and from Airport	254	0.655	166.37
Parking Fees at Airport	1	14.00	14.00
Meals for total trip	1	87.42	87.42
Flight Cost	1	817.80	817.80
Car Rental	1	92.63	92.63
Thank you for the Retainer!	1	-1,500.00	-1,500.00

BALANCE DUE

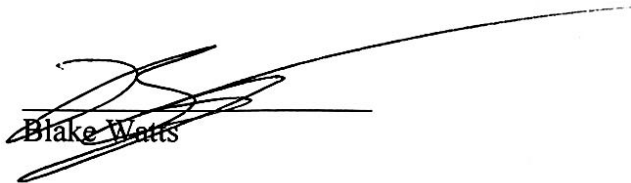
**\$5,813.22**

## **EXHIBIT 4**



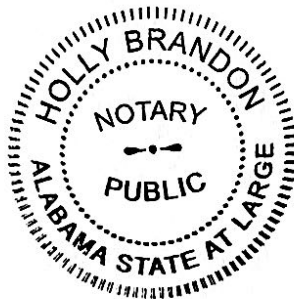
Affidavit of Blake Watts

1. I am a competent adult above 18 years of age.
2. The information stated in Plaintiff's Disclosure of Expert Testimony is true and correct to the best of my information, knowledge, and belief.

  
Blake Watts

STATE OF ALABAMA  
COUNTY OF DEKALB

**SWORN TO AND SUBSCRIBED** before me, a Notary Public in and for the state and  
county aforementioned, on this 31<sup>st</sup> day of January, 2023 by BLAKE WATTS.



  
Notary Public

COMMISSION EXPIRES  
01/27/2025